

Appln No. 09/931,590
Amdt date May 27, 2008
Reply to Office action of February 25, 2008

REMARKS/ARGUMENTS

Claims 1-10, 12-19 and 28-40 were pending in this application when last examined by the Examiner. Claim 30 has been amended. Claims 41-44 have been added. Claim 39 has been cancelled. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the remarks that follow, Applicant respectfully requests reconsideration and an early indication of allowance of the now-pending claims 1-10, 12-19, 28-38, and 40-44.

Claims 1, 3-9, 12-13, 15-19, 28-33, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Matheny et al. (U.S. Patent No. 6,766,524) (hereafter "Matheny"). Claims 2, 14, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny in view of Dunn et al. (U.S. Patent No. 5,517,257). Claim 10 is rejected under 35 U.S.C. 103(a) as being anticipated by Matheny in view of Bolnick et al. (U.S. Pub. No. 2002/0023230). Applicant respectfully traverses these rejections.

Independent claim 1 recites, in part (underlining added for emphasis): "each PIR receiving and storing interactive content from a server system separately from the broadcast of the broadcast event and not embedded in the broadcast event signal, the interactive content being related to the broadcast event, the same interactive content being configured to be displayed by each client device during the first time period," and "each PIR temporally associating the interactive content received from the server system with the broadcast event."

Matheny does not disclose, teach nor suggest a "PIR" that "receives . . . interactive content from a server system separately from the broadcast of the broadcast event," and "temporally associat[es] the interactive content received from the server system with the broadcast event." Matheny discloses a video broadcast system that encourages viewers to pay attention to television programs, commercials in particular, by offering viewers potential rewards. (See, Matheny, Abstract). To notify the viewers about the potential rewards, the broadcaster 205 in Matheny broadcasts a reward message by *embedding* the reward and query triggers into the data service channel of a *recorded television program* signal 210. (See,

Appln No. 09/931,590
Amdt date May 27, 2008
Reply to Office action of February 25, 2008

Matheny, Figure 2; Box 330, Figure 3; column 5, lines 58-63; column 6 lines 10-12). Assuming that Matheny's reward and query triggers are the claimed "interactive content," and Matheny's television program signal is the claimed "broadcast event," Matheny fails to satisfy the requirement that the "interactive content" be received "separately from the broadcast event." Because the reward and query triggers in Matheny are embedded into, but not sent separately from, the television program signal, the receiver in Matheny is incapable of receiving such triggers separately from the television program signal. The reward database 280 residing on one end of the Internet 230 collects clients' responses and identities only *after* the clients have received and responded to the reward triggers; thus, it does *not* broadcast any interactive content, *separately from the broadcast event*, to the client devices. (See, Matheny, Figure 2; Boxes 435, 440 and 445, Figure 4; column 3, lines 46-66).

Matheny also fails to teach or suggest "storing interactive content from a server system separately from the broadcast of the broadcast event," where the "PIR temporally associat[es] the interactive content received from the server system with the broadcast event." (Emphasis added). Because Matheny's reward and query triggers and the television commercials are transmitted as a single video signal, such triggers, even if recorded, cannot be stored separately from the broadcast of the television program. None of the portions of Matheny cited by the Examiner's suggests otherwise.

The Examiner relies on Matheny's disclosure in lines 39-46 and 56-67 of column 2 to contend that Matheny teaches the above limitations of claim 1. This portion of Matheny, however, simply describes the various components of Matheny's system and an overview of the reward mechanism discussed above. There is nothing in this portion of Matheny that teaches or suggests both "receiving and storing interactive content from a server system separately from the broadcast of the broadcast event," where "each PIR temporally associat[es] the interactive content received from the server with the broadcast event," as recited in claim 1. (Emphasis added).

Independent claim 1 further recites "a particular one of the client devices retrieving the stored broadcast event and interactive content in response to a user command." Moreover, claim

Appln No. 09/931,590
Amdt date May 27, 2008
Reply to Office action of February 25, 2008

1 recites, in part (underline added for emphasis): "the particular one of the client devices playing back the retrieved broadcast event from storage during a second time period such that when the retrieved broadcast event is played back from storage, the corresponding PIR provides to the user the interactive content at one or more times during the retrieved broadcast event when such interactive content would have been displayed when the event was being broadcast, the interactive content provided by the corresponding PIR during the second time period configured to be the same interactive content that would have been displayed when the event was broadcast during the first time period." Matheny fails to teach or suggest these limitations of claim 1.

The Examiner relies on Matheny's disclosure in lines 38-67 of column 2, lines 15-26 of column 5, and lines 40-45 of column 6 to contend that Matheny teaches these limitations. As discussed above, lines 39-46 and 56-67 of column 2 describe the various components of Matheny's system and an overview of Matheny's reward mechanism. If the Examiner is relying on the disclosure in column 2, lines 47-54 of Matheny's set-top box displaying and storing Web pages downloaded over the Internet to contend that Matheny discloses the claimed "interactive content," Applicant respectfully disagrees. The locally stored Web pages in Matheny's set-top box cannot be the "interactive content," as recited in claim 1, because nothing in Matheny teaches or suggests that such Web pages are "related to the broadcast event," and are "associated" by "each PIR temporally" after they are "received from the server system with the broadcast event," and further, that the Web pages are provided to the user "one or more times during the retrieved broadcast event when such interactive content would have been displayed when the event was being broadcast," where "the interactive content provided by the corresponding PIR during the second time period [is] configured to be the same interactive content that would have been displayed when the event was broadcast during the first time period." (Emphasis added).

With respect to the Examiner's reliance on lines 15-26 of column 5 of Matheny, this portion of Matheny discloses that each query trigger conveying a reward query includes a URI that identifies a query template stored in a local memory of a set-top box. This query template

Appln No. 09/931,590
Amdt date May 27, 2008
Reply to Office action of February 25, 2008

also cannot be the claimed "interactive content" because nothing in Matheny teaches or suggests that the query template is received from any "server system."

Addressing now the Examiner's reliance on line 40-45 of column 6 of Matheny, there is nothing in this portion of Matheny that teaches the limitations of claim 1. Matheny's disclosure here that "[r]eward and query triggers need not be provided to a broadcaster with a program" does not imply that the query triggers are not embedded in the video signal. Instead, the query triggers are in fact embedded, but may be embedded by the content creators instead of the broadcasters. Accordingly, Applicant respectfully traverses the rejection as to claim 1 and submits that claim 1 is in condition for allowance.

Claims 2-10, 11-12, 28, and 36-37 depend from claim 1 and are therefore allowable for at least the same reasons as discussed with respect to claim 1, and for the additional limitations that they contain. Accordingly, Applicant respectfully traverses the rejections of claims 2-10, 11-12, 28, and 36-37 and submits that they are in condition for allowance.

Independent claim 13 also recites, in part (underlining added for emphasis): "A personal interactivity recorder (PIR) . . . for causing to be stored interactive content related to the broadcast event and received separately from the broadcast event." Because, as discussed above, Matheny fails to teach, disclose, or suggest a system capable of receiving and storing interactive content separately from the broadcast event, Matheny cannot anticipate independent claim 13. Accordingly, Applicant respectfully traverses the rejection as to claim 13 and submits that claim 13 is in condition for allowance.

Claims 14-19, 29, and 38 depend directly or indirectly from claim 13 and are therefore allowable for at least the same reasons as discussed with respect to claim 13, and for the additional limitations that they contain. Accordingly, Applicant respectfully traverses the rejections of claims 14-19, 29, and 38 and submits that they are in condition for allowance.

Independent claim 30, as amended herein, recites, in part (underlining added for emphasis): "each of the plurality of client devices operably coupled to the broadcast device over a data communications network and receiving the broadcast video program and the interactive data separate from the broadcast video program for displaying the same interactive content

Appln No. 09/931,590
Amdt date May 27, 2008
Reply to Office action of February 25, 2008

during the first time period at each of the plurality of client devices." For similar reasons as discussed with respect to independent claim 1, Matheny fails to teach or suggest at least these limitations of amended claim 30. Accordingly, Applicant respectfully traverses the rejection as to claim 30 and submits that claim 30 is in condition for allowance.

Claims 31-35 and 39 depend directly or indirectly from claim 30 and are therefore allowable for at least the same reasons as discussed with respect to claim 30 and for the additional limitations that they contain. Accordingly, Applicant respectfully traverses the rejections of claims 31-35 and 39 and submits that they are in condition for allowance.

Claims 41-44 are new in this application. Claims 41-44 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. Specifically, claim 41 adds the limitation that "the broadcast event is broadcast of a video program, the method further comprising recording the video program in a personal video recorder (PVR) separate from the PIR." Support for this limitation may be found, for example, on page 5, lines 9-26 of the specification. None of the cited references teaches or suggests these limitations. Accordingly, claim 41 is also in condition for allowance for these added limitations.

Claim 42 adds the limitation that "the broadcast event is broadcast of a video program that contains no embedded triggers associated with the interactive content." Support for this limitation may be found, for example, on page 3, lines 7-11 and page 10, lines 15-18 of the specification and in Figure 3 of the drawings. None of the cited references teaches or suggests these limitations. Accordingly, claim 42 is also in condition for allowance for these added limitations.

Claim 43 adds the limitation that "the interactive content is an on-line program transmitted by the server system over a wide area network and synchronized with the video program." Support for this limitation may be found, for example, on page 7, lines 21-23 and page 11, lines 16-23 of the specification. None of the cited references teaches or suggests these limitations. Accordingly, claim 43 is also in condition for allowance for these added limitations.

Claim 44 adds the limitation that in the system of claim 30, "the first recording device recording the video program is a personal video recorder (PVR) and the second recording device

Appln No. 09/931,590
Amdt date May 27, 2008
Reply to Office action of February 25, 2008

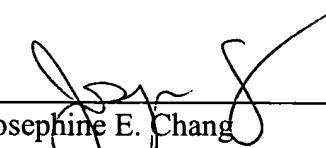
recording the interactive data is a personal interactivity recorder (PIR) separate from the PVR for recording the interactive data separately from the video program." Support for this limitation may be found, for example, on page 5, lines 9-26 of the specification. None of the cited references teaches or suggests these limitations. Accordingly, claim 44 is also in condition for allowance for these added limitations.

In view of the above amendments and remarks, reconsideration and an early indication of allowance of the now-pending claims 1-10, 12-19, 28-38, and 40-44 are respectfully requested.

Applicant submits herewith a copy of a Substitution of Attorney signed by the Assignee of this Application which was mailed to the USPTO on December 19, 2006. As requested in that document, please direct all future communication to the undersigned at the address indicated therein. Applicant also requests the Examiner to contact the undersigned at the number indicated below to resolve any remaining issues that may be addressed over the telephone.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By _____


Josephine E. Chang
Reg. No. 46,083
626/795-9900

JEC/lal
Enclosure: Copy of Substitution of Attorney

LAL PAS795263.2-*05/27/08 12:48 PM